

REMARKS/ARGUMENTS

Claims 1-5, 10, 12-15, 17-20 and 22-34 are currently pending in the application. Claims 23-31 have been withdrawn. Claims 1-5, 10, 12-15, 17-20, 22 and 32-34 were rejected in the Office Action mailed February 3, 2009 (hereinafter referred to as "Office Action").

This amendment is being submitted with a Request for Continued Examination and a petition for a three month extension of time to extend the due date from February 12, 2010 to May 12, 2010. A credit card authorization for the required fees is being submitted herewith. The Commissioner is hereby authorized to charge any additional fees, or credit any refunds, to Chalker Flores, LLP's Deposit Account No. 50-4863.

In view of the following remarks and amendments, applicant respectfully requests a timely Notice of Allowance be issued in this case.

Objections to the Specification and Claim Rejections under 35 U.S.C. § 101

First, the Office Action objected to the specification because the previous amendment introduced new matter. Applicant respectfully disagrees.

MPEP § 2164.05(a) states that "the specification need not disclose what is well-known to those skilled in the art and preferably omits that which is well-known to those skilled and already available to the public." Applicant respectfully submits that the fact that "computer-readable medium can be hardware (e.g., one or more processors, integrated circuits, memory, personal data assistant (PDA), scientific device/instrument, etc.), firmware or storage media (e.g., one or more hard disks, floppy disks, optical drives, flash memory, compact discs, digital video discs, etc.)" was well-known to those skilled in the art and already available to the public at the time the application was filed.

Moreover, the Office Action of February 3, 2009 stated that "the Specification does not describe what is encompassed by computer readable medium." (page 5, lines 11-12). Applicant respectfully submits that the foregoing amendment limits the definition of computer-readable medium in the claims to "physical media and not to transmission or carrier media" as required by the Office Action of February 3, 2009. (page 5, lines 9-11). As a result, applicant respectfully submits that the previous amendment to the specification does not constitute new matter under MPEP § 2164.05(a). Accordingly, applicant respectfully requests reconsideration and withdrawal of the objection.

Second, the Office Action rejected claim 20 under 35 U.S.C. § 101 because the claimed invention is directed to non-statutory subject matter because of the term computer readable medium includes firmware and [f]irmware is software and not a physical computer medium." Applicant respectfully disagrees.

Dictionary.com defines firmware as "a microprogram stored in ROM, designed to implement a function that had previously been provided in software." Applicant respectfully submits that random access memory ("ROM") is hardware and that firmware

is a physical medium. As a result, applicant respectfully submits that the definition of computer readable medium as recited in the amended specification is clear and recites statutory subject matter. Applicant, therefore, respectfully submits that claim 20 satisfies the requirements of 35 U.S.C. § 101.

Claim Rejections under 35 U.S.C. § 103(a)

The Office Action rejected claims 1-5, 10, 12-15, 17-20, 22 and 32-34 under 35 U.S.C. § 103(a) as being unpatentable over Wilkinson, et al. (U.S. Patent Publication No. 2002/0143775) in view of Bly, et al. (U.S. Patent Publication No. 2002/0077944). Applicant respectfully submits that claims 1-5, 10, 12-15, 17-20, 22 and 32-34, as amended, are patentable over the cited references for at least the reasons described below.

Claims 1, 12, 20, 32 and 34

The Office Action stated that “Applicant seems to have a different intended interpretation of assets or asset related items within an infrastructure than interpreted by the Examiner. However, the claims do not require a specific interpretation because assets or asset related items, broadly interpreted, can be many things including multi-media assets. An infrastructure can also broadly interpreted to cover, for example, the underlying system as shown in figure 1 of Wilkinson. Thus, the ‘assets or asset related items within the infrastructure’ recited in the claim is met by the multi-media assets in the system disclosed by Wilkinson.” (page 16, lines 12-18). Claims 1, 12, 20, 32 and 34 have been amended to clarify that the assets are physical assets, which is supported throughout the specification in the various examples.

As a result, applicant respectfully submits that Wilkinson manages multi-media assets and does not manage an infrastructure containing physical assets as recited in claims 1, 12, 20, 32 and 34. The Office Action cites paragraph [0049], lines 1-4 as disclosing “a database containing two or more records, each record having a unique identifier and one or more fields representing attributes of an asset or asset related item within the infrastructure.” (page 4, lines 10-13). That portion of Wilkinson states:

FIG. 7 of the accompanying drawings shows an example of a taxonomy tree that can be traversed by the management system at the request of a user, for example via the browser of FIG. 4.

Figure 7 discloses a tree structure 200 having a parent node 201, child nodes 201-211 and links (212-215). Each node represents a category. (paragraph [0047]). The categories or nodes in Wilkinson are not assigned to represent physical assets or asset related items within an infrastructure; instead they are assigned to access the media objects in a manner that is easy and convenient for the user.

Referring to Figure 5 of Wilkinson, the database structure appears to reside in Section B (media objects 100 and resources 115). (paragraph [0036]). The project/workflow view of Section A and the taxonomy view of Section B are created as two separate interfaces to allow users to view and access the database (media objects 100 and resources 115). (paragraphs [0034]-[0035], [0037]-[0038]).

The Office Action also indicated that the taxonomy in Wilkinson is interpreted as "business rules." (page 4, footnote 1). Applicant respectfully submits that Wilkinson's taxonomy is not in accordance with one or more business rules of the infrastructure that define how the physical assets and asset related items are interconnected. Instead, the taxonomy of Wilkinson "enables the user to access the database in a particularly flexible manner." (paragraph [0048]). So, the rules are not based on the infrastructure; they are based how the users "wishes to provide the information to a potential customer." (paragraph [0051]).

Moreover, the Office Action indicated that Wilkinson's projects link the records how one or more persons use the assets and asset related items. (page 4, lines 17-18, footnote 2). Wilkinson's projects are not required: "while a project is a common way of working there is no necessity to create one." (paragraph [0034]). The project is "one or more bins 118 storing data appropriate to the project and . . . may be one or more reference fields 119 which provides the user with a link or links to media objects within the main data base." (paragraph [0035]).

Finally, the Office Action indicated that "Wilkinson does not expressly disclose that the records in the database are linked to represent assets and asset related items (2) in a life cycle of the asset and asset related items." (page 5, lines 4-5). Applicant agrees. The Office Action indicated that "Bly discloses an asset database containing records of assets with attributes such as operating life." (page 5, lines 6-7). Applicant respectfully disagrees that Bly discloses that the records in the database are linked to represent assets and asset related items (2) in a life cycle of the asset and asset related items. The Office Action cites Figure 14 and paragraph [0146] for this proposition, but applicant is unable to find the terms "operating life" or "life cycle" used there:

FIG. 14 shows a report 274 generated by reporting and analysis module 62. In particular, each asset listed in the report has an associated plurality of parameters, such as average monthly usage hours, total maintenance cost, hourly maintenance cost, total lease cost, total operating cost, total hourly cost, percent utilization, etc. A user can invoke the reporting and analysis module 62 by selecting the Reporting button 92 from the "start" page 66 shown in FIG. 3. The user may then select the target fleet (existing or fantasy) for which the report(s) will be generated. A user can evaluate changes made to an existing fleet by generating a report for an existing fleet, configuring a simulated fleet reflecting the proposed changes, and then generating a second report.

The term “life cycle” is not used in Bly. The term “operating life” is used in paragraphs [0009] and [0108]:

Information concerning the condition, treatment, and, particularly, the maintenance history of the asset during its operating life up to the time the asset is being offered for disposal are all important in determining a sales price, but are frequently unavailable. In any event, such information is never convenient to obtain.

FIG. 10 shows a market-search parameter input form 216 generated by market search module 58 configured to allow a search of market database 36. Assets that have been tracked and managed by tracking and management system 28 over an operating life (or portion thereof) have associated therewith a substantial amount of valuable information, including maintenance history data.

Although Bly recognizes the importance of the maintenance history of an asset during its operating life, Bly does not disclose, teach or suggest that the records in the database are linked to represent assets and asset related item (2) in a life cycle of the physical asset and asset related item as recited in claims 1, 12, 20, 32 and 34. As a result, applicant respectfully submits that Bly does not cure the stated deficiencies of Wilkinson. Moreover, applicant respectfully submits that one skilled in the art would not modify the multi-media management system of Wilkinson to link the media objects to represent a life cycle of the media objects. Applicant respectfully submits that media objects do not have an “operating life” as that term is used in Bly with respect to moveable industrial equipment.

For at least the reasons stated above, applicant respectfully submits that Wilkinson and Bly, either alone or in combination, do not disclose, teach or suggest every element recited in claims 1, 12, 20, 32 and 34. Accordingly, applicant respectfully submits that claims 1, 12, 20, 32 and 34 are not obvious over Wilkinson in view of Bly and are, therefore, allowable under 35 U.S.C. § 103(a). Applicant respectfully requests that the rejection of claims 1, 12, 20, 32 and 34 be withdrawn.

Claims 2-5, 10, 13-15, 17-19, 22 and 33

Applicant respectfully submits that claims 2-5, 10, 13-15, 17-19, 22 and 33 depend from claims 1, 12, 20 and 32 which are allowable for the reasons stated above, and further distinguish over the cited references. Claims 2-5, 10, 13-15, 17-19, 22 and 33 are, therefore, allowable under 35 U.S.C. § 103(a). Accordingly, applicant respectfully requests that any rejection of claims 2-5, 10, 13-15, 17-19, 22 and 33 be withdrawn.

Claims 3-5 and 10

The Office Action rejected claims 3-5 and 10 based on their dependency on claim 1 and the Section 101 rejections. As a result, applicant respectfully submits that claims 3-5 and 10 are not obvious over the cited references. Moreover, applicant respectfully submits that claims 3-5 and 10 depend from claim 1 which is allowable for the reasons stated above, and further distinguishes over the cited references. Claims 3-5 and 10 are, therefore, allowable under 35 U.S.C. § 103(a). Accordingly, applicant respectfully requests that any rejection of claims 3-5 and 10 be withdrawn.

Conclusion

For the reasons set forth above, applicant respectfully requests reconsideration by the examiner and withdrawal of the rejections. Applicant submits that claims 1-5, 10, 12-15, 17-20 and 22-34 as amended, are fully patentable. Applicant respectfully requests that a timely Notice of Allowance be issued in this case. If the examiner has any questions or comments, or if further clarification is required, it is requested that the examiner contact the undersigned at the telephone number listed below.

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Respectfully submitted,
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